

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 27, 2004 PLANNING COMMISSION MEETING

P.A.S.: Co Special Permit #04052

PROPOSAL: A special permit to operate a pre school/private school.

LOCATION: 148th and "O" Street, addressed at 14302 "O" street.

WAIVER REQUEST: NA

LAND AREA: 0.59 acres more or less.

CONCLUSION: In conformance with the Comprehensive Plan and County Zoning.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A 0.59 acre portion of Lots 37 and 45, I.T., located in the SE 1/4 of Section 21 T10N, R8E of the 6th P.M., Lancaster County, Nebraska. See attached metes and bounds description.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farm dwelling with outbuildings. Two residences.

SURROUNDING LAND USE AND ZONING:

North: Farm land zoned AG Agriculture

South: Farm land zoned AG Agriculture

East: Acreages zoned AG Agriculture

West: Commercial mini storage zoned "I" Industrial

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture. This is in the Lincoln Growth Tier II, beyond the 50 year growth.

UTILITIES: New private well and lagoon proposed

TOPOGRAPHY: Generally flat, sloping to the north and south.

TRAFFIC ANALYSIS: "O" Street/Hwy 34 is a 2 lane Federal Highway. 148th is a paved county road.

PUBLIC SERVICE: This is in the Eagle Rural Fire District, Waverly School District # 145 and Norris Public Power District.

REGIONAL ISSUES: NA

ENVIRONMENTAL CONCERNS: There are no identified Historic resources. There is no FEMA floodplain shown. There is a natural gas pipeline across the property, north of the application. A natural gas structure was noted on the property just north of "O" street.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: farming and a farm dwelling.

ANALYSIS:

1. This request is for a pre school/private school under the provisions of Article 13.001(2), and Article 4.007 a) "Private Schools". This is proposed to be on a defined 0.59 acre portion of the land.
2. The applicant describes the proposal as follows;
 - A new 60' x 40' building, 2,400 square foot in area
 - Four non concurrent sessions, each 2 ½ hours
 - Operating hours will be 9 am to 3 pm Monday through Friday.
 - 30 students, max, per session
 - 3 teachers/staff
3. Three parking stalls and a general unloading and turnaround area are shown for drop-offs. It is not anticipated that there would be any parking shortage on this five acre site.
4. The hours of operation are stated to be 9:00 AM to 3:00 PM, Monday through Friday. The area of the three existing parking stalls is about 77' x 80' and should allow for extra

parking and turnaround. The balance of the farm yard should be reserved for overflow when needed.

5. All building code, health code and other state and local childhood care licensing requirements should apply.
6. The existing drive is off of Hwy 34/ 'O' Street. Driveway widening and a turn shoulder from the highway are proposed.

CONDITIONS:

1. This approval permits a private school for up to 30 students. Hours of operation shall be limited to 8:00 AM to 4:00 PM, Monday through Friday.
2. All buildings shall meet Building and Life Safety Codes.
3. All applicable Health codes shall be complied with.
4. All applicable State and Local licensing and childcare requirements shall be meet.
5. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying this private school, all development and construction shall have been completed in compliance with the approved plans.
 - 6.2 Before occupying this private school, the City-County Health Department shall have approved the water and waste water systems for this use.
 - 6.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 6.4 The County Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: October 8, 2004

APPLICANT: Kitra L. Deger
14302 'O' Street
Lincoln, NE 685209
(402) 488 - 7599
mkmkkdegs@aol.com

OWNER: same

CONTACT: same



County Special Permit No. 04052
14302 'O' St.
Private School

2002 aerial

Zoning:

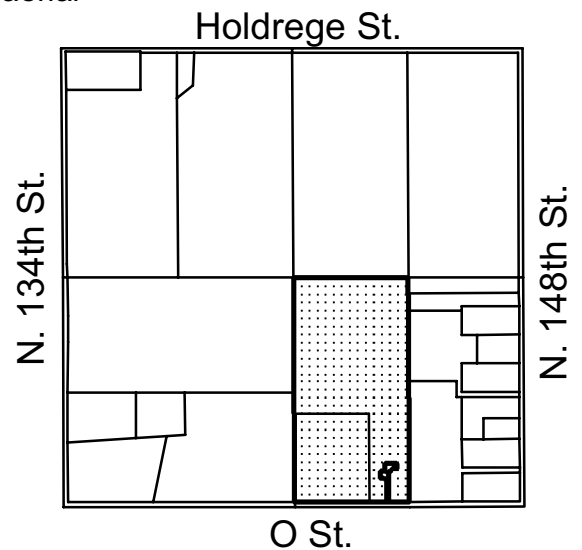
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 21 T10N R8E



Zoning Jurisdiction Lines

City Limit Jurisdiction



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Lincoln City - Lancaster County Planning Dept.

Official Survey Record

ALLIED SURVEYING AND MAPPING, INC.

6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

Phone (402) 434-2686

Fax (402) 434-2687

LANCASTER County, Nebraska

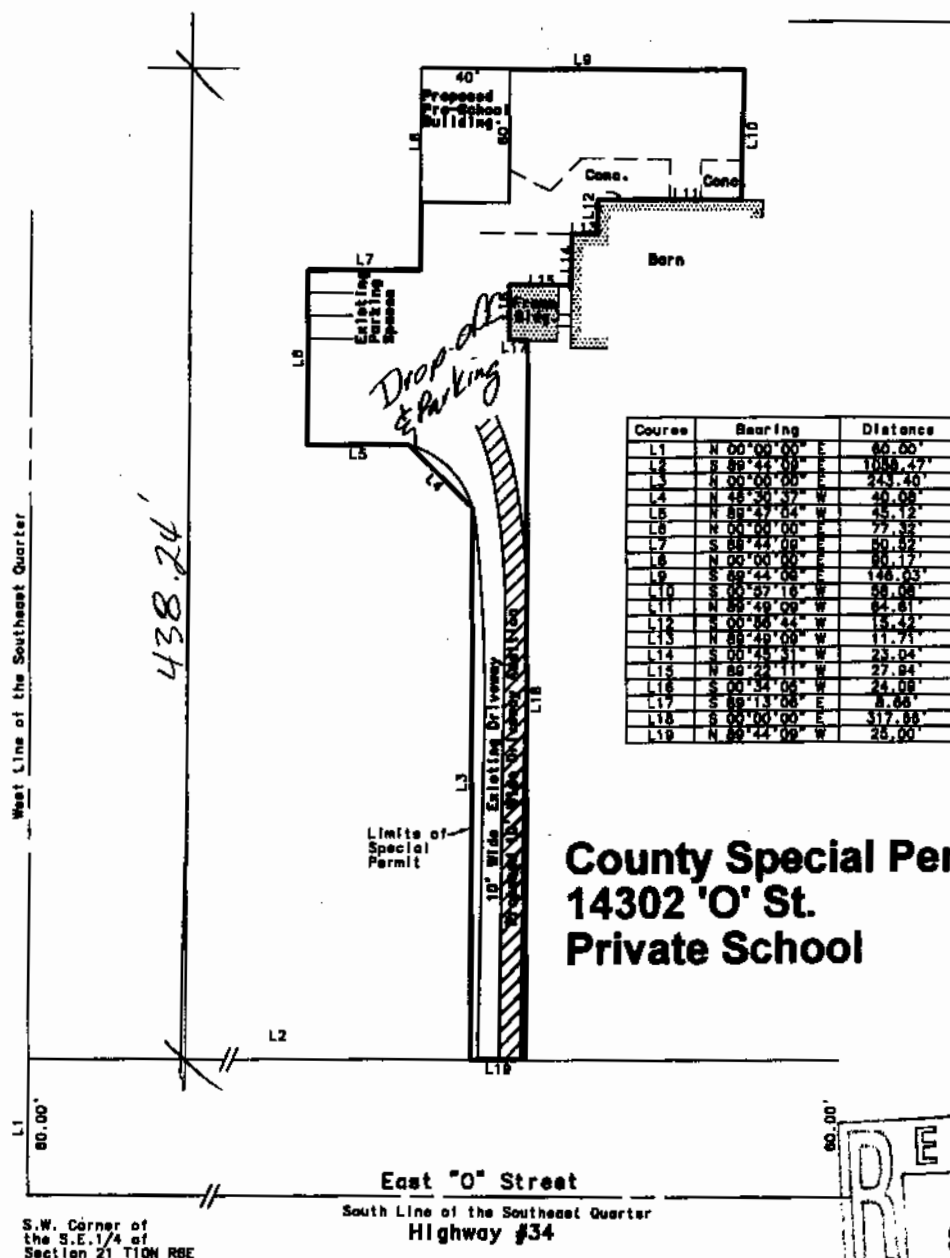
Survey of a part of the West One-Half of the Southeast Quarter

of Section 21 T. 10 N., R. 8 East of the 6th P.M.

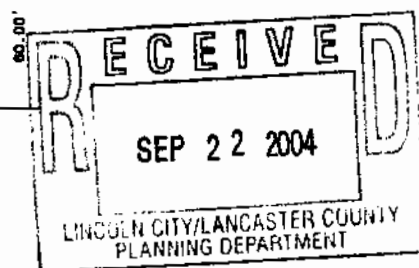
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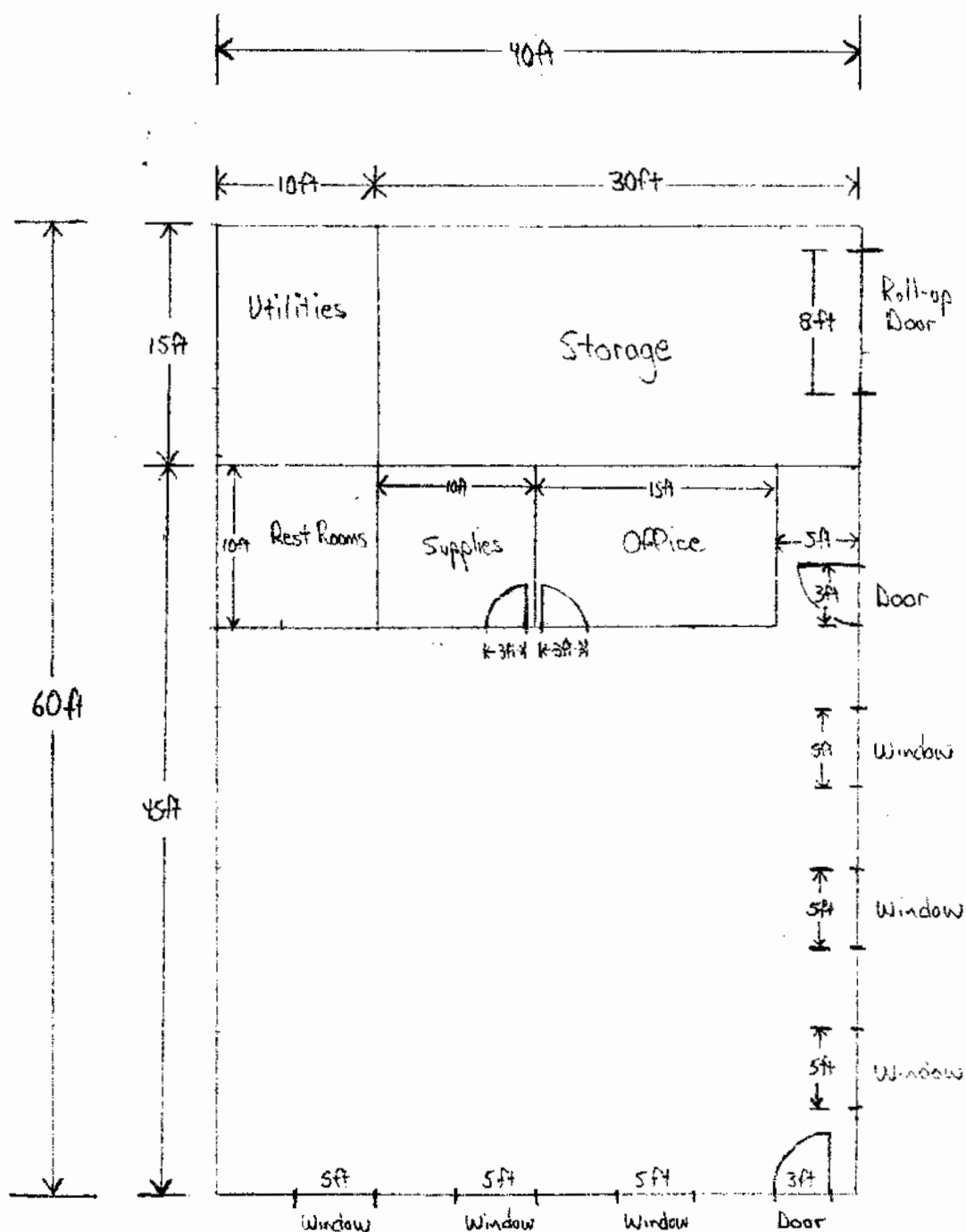
Sheet 1 of 2

May, 2004

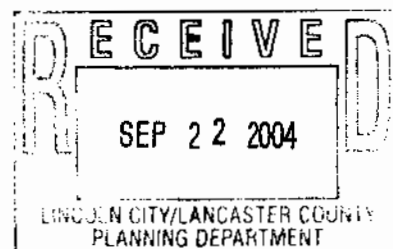


County Special Permit No. 04052
14302 'O' St.
Private School





County Special Permit No. 04052
14302 'O' St.
Private School



LEGAL DESCRIPTION:

Referring to the Southwest Corner of the Southeast Quarter of Section 21 Township 10 North Range 8 East of the 6th P.M., Lancaster County, Nebraska; thence in a Northerly direction on the West line of the Southeast Quarter of said Section 21 and on an assumed bearing of North 00 degrees 00 minutes 00 seconds East for a distance of 60.00 feet to a point on the Northerly Right-Of-Way line of Highway #34.

THENCE South 89 degrees 44 minutes 09 seconds East on the Northerly Right-Of-Way line of Highway #34 for a distance of 1058.47 feet to the **POINT OF BEGINNING**.

THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 243.40 feet.

THENCE North 46 degrees 30 minutes 37 seconds West for a distance of 40.08 feet.

THENCE North 89 degrees 47 minutes 04 seconds West for a distance of 45.12 feet.

THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 77.32 feet.

THENCE South 89 degrees 44 minutes 09 seconds East for a distance of 50.52 feet.

THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 90.17 feet.

THENCE South 89 degrees 44 minutes 09 seconds East for a distance of 146.03 feet.

THENCE South 00 degrees 57 minutes 16 seconds West for a distance of 58.08 feet.

THENCE North 89 degrees 49 minutes 09 seconds West for a distance of 64.61 feet.

THENCE South 00 degrees 56 minutes 44 seconds West for a distance of 15.42 feet.

THENCE North 89 degrees 49 minutes 09 seconds West for a distance of 11.71 feet.

THENCE South 00 degrees 45 minutes 31 seconds West for a distance of 23.04 feet.

THENCE North 89 degrees 22 minutes 11 seconds West for a distance of 27.94 feet.

THENCE South 00 degrees 34 minutes 05 seconds West for a distance of 24.09 feet.

THENCE South 89 degrees 13 minutes 06 seconds East for a distance of 8.66 feet.

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 317.66 feet.

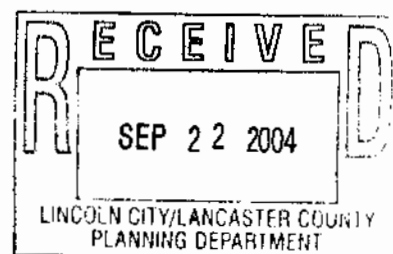
THENCE North 89 degrees 44 minutes 09 seconds West for a distance of 25.00 feet to the

POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.59 acres more or less.

County Special Permit No. 04052
14302 'O' St.
Private School



September 22, 2004

Kitra L. Deger

City & County Planning Dept
555 South 10th Street
Lincoln, NE 68508

Dear Board President,

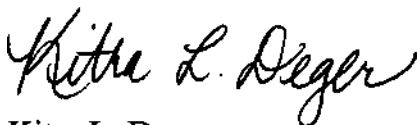
I am writing to request an Article 13, Special Permit to both establish and operate a Pre-School at my current residence of 14302 'O' Street RR #2 in Lincoln, Nebraska. It is my intention to make the necessary improvements on our property to support a Full-Time Pre-School operation with a projected start date of September 2005.

I am enclosing the completed application and associated \$250.00 fee. Additionally, I am enclosing a detailed outline of the Pre-School operations along with the proposed property development and improvements to support this endeavor.

Should you have any questions, feel free to contact me at 402/488-7599 (Home) or 402/429-3817 (Cell).

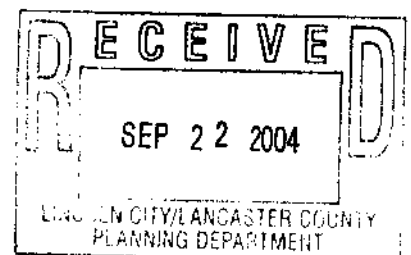
Thank you in advance for your consideration.

Respectfully,



Kitra L. Deger

Encls (5)



Outline
Proposed Pre-School Operation
14302 'O' Street RR #2
Lincoln, Nebraska

Background:

I have spent a great deal of time in researching and preparing for this decision to establish and operate a Full-Time Pre-School. My background as a Nebraska Public Schools Certified Elementary Education Teacher spans nine years with experience ranging from teaching positions with Kindergarten students to 5th Graders. Most recently, I was employed in a Full-Time 2nd Grade position at Bennet Public Elementary Schools in the fall of 1997. My reason for stepping away from education was to stay home and raise my husband and my 5 year-old triplets who have just recently started Kindergarten classes.

Purpose:

The purpose for establishing and operating the Pre-School is two-fold. First, it allows me the opportunity to return to what I love doing, which is educating youngsters. Second, it affords me the opportunity to establish and build a viable business for which I have both a passion for and past record of success with.

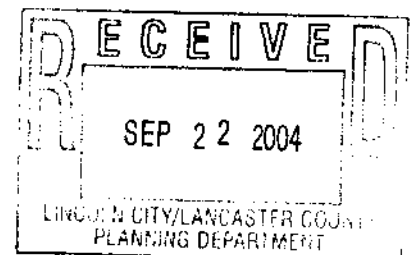
Children & Staff:

It is my intention to establish and operate a Pre-School that has room for reasonable growth based upon current demands and changing demographics. As an Elementary Educator with a current Nebraska Public School Teaching Certificate, it is my position to build a learning staff that fully supports the goals outlined for this Pre-School and to that end, I will continually seek to create and maintain a harmonious environment for all youngsters. Student-to-Staff ratios will be in accordance with the Pre-School Standards Handbook with one Teacher/Staff member for every ten students.

Hours of Operation:

The hours of operation will revolve around four weekly sessions as outlined below:

- Session One.....Mon/Wed/Fri 9:00 – 11:30 a.m.
- Session Two.....Mon/Wed/Fri 12:30 – 3:00 p.m.
- Session Three.....Tues/Thur 9:00 – 11:30 a.m.
- Session Four.....Tues/Thur 12:30 – 3:00 p.m.



Improvements:

In establishing and operating the Pre-School, I will be making the following improvements to our property:

- *New Building* – 60 x 40 ft², completely finished to all codes with expandable space for children, staff and diverse learning centers.
- *Property* – A two-lane driveway will be modified to support the safe traffic of parents who are either dropping-off or picking-up students. Furthermore, I plan to submit a request with the Department of Roads for an expanded shoulder to support vehicles turning on to our driveway.
- *Landscape* – There will be significant landscaping work conducted to support a self-enclosed playground with privacy fence that limits access from only the building. Additionally, we will make a number of aesthetic improvements designed to enhance the overall appearance of the Pre-School and surrounding property.

Compliance:

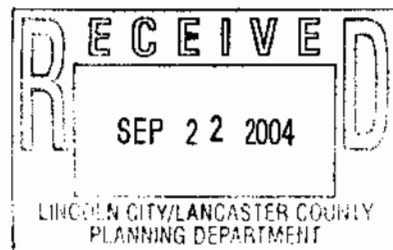
Compliance is of the utmost importance and I am currently in the process of insuring that all City/County/State Building Codes are understood and incorporated as well as the codes and guidelines identified in the Nebraska Pre-School Standards Handbook. I welcome any additional guidance or information that might be shared to ensure this Pre-School operation is viable, safe, and enriching.

Safety:

Safety is certainly worth addressing again and it is my intention to provide an environment that is full of diverse learning opportunities while at the same time completely safe for resident students participating in daily sessions. Upon successful completion and inspection of all building projects, it will be my intention to have an independent agency access the safety and well-being of the entire educational environment to include the building, playground, driveway and surrounding property. Furthermore, I plan to provide participating parents/guardians and children with a detailed plan outlining Pre-School operations, activities and safeguards.

Proposed Pre-School Schematic and Sketch:

- See Architectural Survey
- See Building Floor Plan



Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

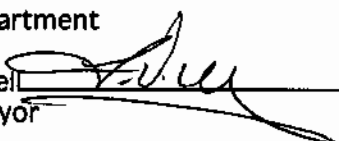
Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: September 27, 2004

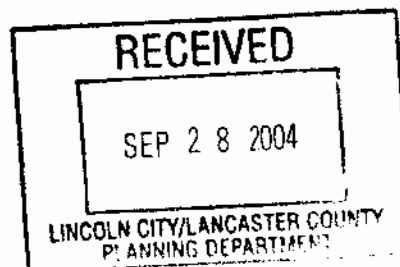
TO: Mike DeKalb
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: SPECIAL PERMIT #04052
14302 "O" STREET - PRE-SCHOOL OPERATION

Upon review, this office has no objections to this submittal.

LVW/cm



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: October 7, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

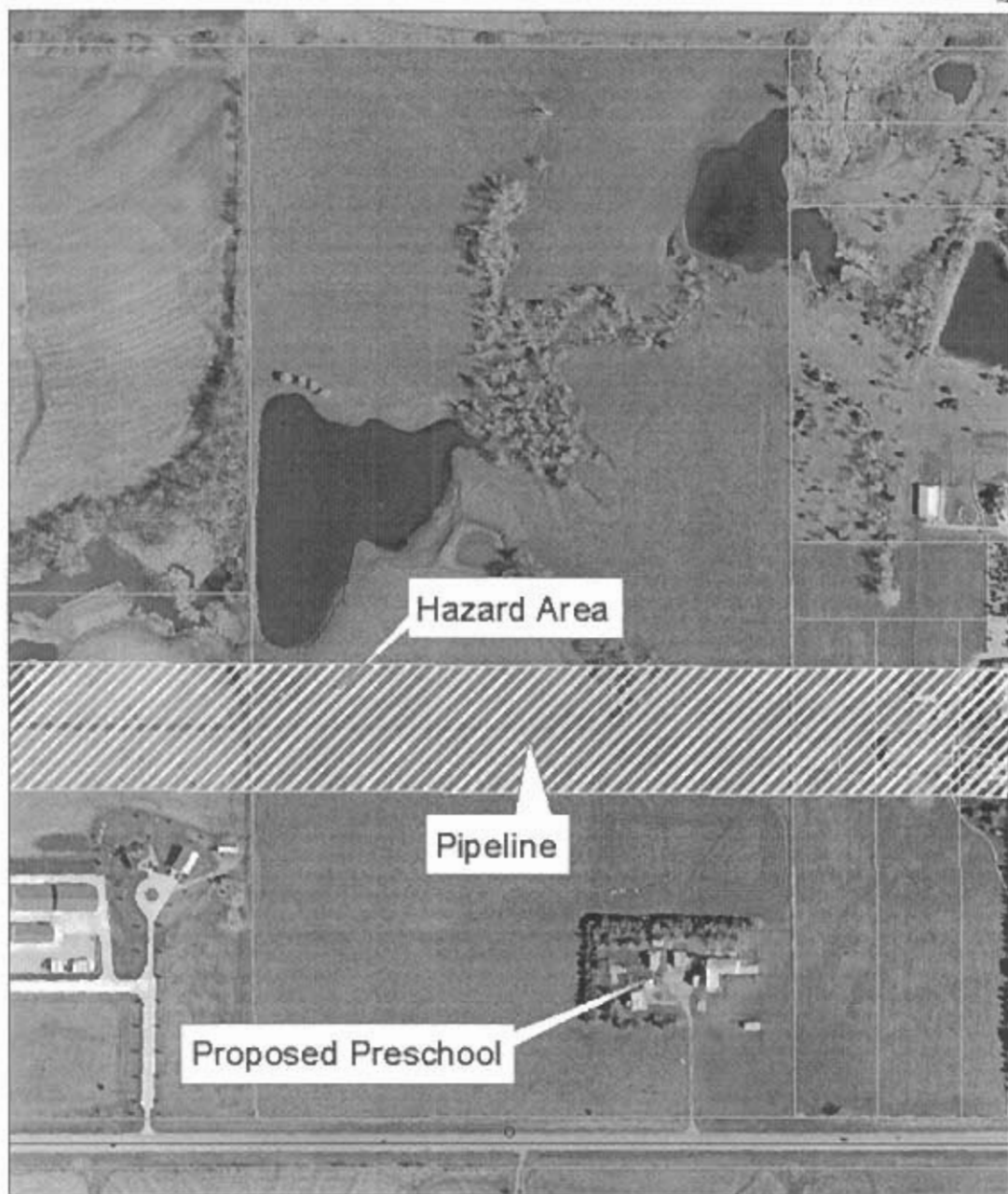
SUBJECT: Deger SP #04052

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

- The owner is proposing the connection of two existing homes and the proposed preschool to a wastewater treatment lagoon to be constructed on the property. The LLCHD must have specific information as to the sizing and location of the proposed lagoon. Based on the design capacity, review and permitting by the Nebraska Department of Environmental Quality may be necessary.
- The water supply for the proposed preschool is a private well. The well has not been completed at this time. The well must meet construction standards and standards for a safe drinking water supply. The well may be subject to the requirements of the Nebraska Safe Drinking Water Act. This determination will be based on projected usage.
- The onsite wastewater treatment system serving the two existing homes is a septic system. The existing septic system has failed as evidenced by septic effluent on the soil surface and vegetative growth. This is violation of County Resolution. This violation must be corrected regardless of the status of the preschool. This violation will be treated as a separate issue by the LLCHD. The owner will be contacted with a time frame for correction and options for corrective action.
- The water supply for the existing homes is a well and cistern system. The owner plans to connect the existing homes to a new well. The existing well and cistern must be properly abandoned or decommissioned when the connection to the new well has been completed.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- According to the LLCHD's geographic information system (GIS) records, an underground natural gas pipeline owned by the Northern Natural Gas Company traverses the property from east to west approximately 930 feet from the south property line. The LLCHD strongly encourages the applicant to contact Northern Natural Gas to determine the exact location of this line. The LLCHD calculated a hazard area of approximately 150 feet for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. The LLCHD strongly encourages restricting the children's access to the delineated hazard area. See the accompanying map for the location of the hazard area.

October 7, 2004



Proposed Preschool
14302 O Street

0 125 250 500 750 1,000
Feet

